

SUBJECT: <b>Extradition/Transport</b>	NUMBER: 2-12.03
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: OPR.08.01, OPR.08.02, OPR.08.03, OPR.08.04, OPR.08.05, OPR.08.06, OPR.09.01	APPROVED: Sheriff

## **I. POLICY:**

The Sheriff's Office shall provide safe, secure, and efficient transportation of prisoners to and from local detention centers, as well as from other states and jurisdictions.

## **II. STATUTORY LAW: NMSA 4-41-12 ENTERING OTHER COUNTIES; POWERS**

The various Sheriffs of the several counties of this state shall have the right to enter any county of this state, or any part of this state, for the purpose of arresting any person charged with crime, whether the county so entered be the same to which the Sheriff so entering was elected or not; and the deputies of said Sheriffs shall have the same power as is conferred on the Sheriffs, and any Sheriff entering any county as above mentioned, shall have the same power to call out the power of said county to aid him, as is conferred on Sheriffs in their own counties.

## **III. RULES AND PROCEDURES:**

### **A. Prisoner Transport (Ground)**

1. Prisoners will not be permitted to influence, determine or know the travel itinerary.
2. Agency personnel will be alert for conversation between inmates regarding escapes or other investigative leads concerning ongoing criminal investigations.
3. Agency personnel while transporting prisoners will not allow prisoners to possess or spend any money, checks, etc., while in transit. All prisoner funds and valuable shall be kept/stored away from the prisoner.
4. Prisoners will not be allowed to smoke.
5. Prisoners will not be allowed to speak to anyone except agency personnel, correctional officers, or other prisoners while in transit.
6. Male and female prisoners will not be transported together unless they are segregated in a transport vehicle specifically designed to prevent physical contact.
7. No medication will be administered unless prescribed by a physician or as indicated by an institution.

8. Prisoners will not be allowed to place telephone calls while in custody of agency personnel.
9. Use of restraints to secure prisoner is limited to the following agency approved restraining devices:
  - a) Double locking handcuffs
  - b) Belly chain
  - c) Leg restraints
  - d) Double locking leg shackles
10. All prisoners or persons in protective custody will be handcuffed behind their backs, if possible, and remain so restrained while being transported to a detention facility. Restraining a prisoner through a procedure commonly known as 'hog-tying' shall not be utilized. Hog-tying is defined as any position that results in the arms and legs being bound, both tied behind the person and then connecting the hands and feet.
11. Exceptions may be made for the elderly, invalids, ill or injured individuals, or other persons with physical handicaps, which require the use of modified procedures.
12. If the prisoner poses a flight risk or increased danger to agency personnel, the additional use of a belly chain, leg restraint or leg shackles may be utilized.
13. Prisoners will not be handcuffed to stationary objects.
14. When it is necessary for agency personnel to transport a prisoner of the opposite sex or a juvenile, dispatch will be notify of the location, beginning mileage, and destination. Upon arrival at the destination, personnel will notify the dispatcher of the ending mileage and location.

#### B. Personnel Responsibilities in Ground Transport

1. Under no circumstances should one agency personnel attempt to transport more than one violent person.
2. All vehicles used in the transport of prisoners will be searched prior to use. The search will include an inspection of the prisoner area as well as the entire interior of the vehicle. If the trip involves more than one day, the search shall be completed prior to loading prisoners at the beginning and ending of each day.
3. When transporting out of the County of Valencia a minimum of two (2) agency personnel is recommended for each vehicle trip.
4. Agency personnel will be positioned at off-vehicle vantage points during loading and unloading of prisoners, if possible.

5. The number of prisoners assigned to a vehicle shall not exceed the designed passenger load of that vehicle.
6. At no time will agency personnel to prisoner ratio be greater than one to one while transporting a prisoner in an unscreened vehicle. Vehicles assigned to the transportation unit will have a security screen in such a position which will separate agency personnel from prisoners.
7. In all cases where provided, seat belts will be utilized by each prisoner and agency personnel.
8. In the event an unscreened vehicle is being used, the prisoner will be seat belted into the right front passenger seat.

#### C. Special Conditions on Transported Prisoners

1. Should it become necessary for the prisoner to use restroom facilities, personnel shall park as close to the restrooms as possible.
2. Police facilities should be used when possible.
3. Prisoners will be removed from the vehicle one at a time.
4. A thorough search of the facilities will be conducted prior to the prisoner being allowed to use them.
5. Restraining devices will not be removed.
6. Each time a prisoner is placed in or removed from a vehicle, a check of the restraints will be done.
7. Rest areas on interstates should be avoided and facilities should always be selected at random after leaving the interstate highway.

#### D. Extradition by Commercial and Charter Air

Agency personnel traveling on commercial or chartered aircraft with prisoners must be trained on that procedure and have written permission by the Sheriff. If armed air transport is required deputies must meet the guidelines set forth in F.A.A. regulation 108.21.

#### E. Extradition Clothing Attire

1. Assigned personnel will be attired in agency uniform while transporting prisoner(s) within the State of New Mexico.

2. Agency personnel assigned on charter aircraft extraditions will be attired in agency uniform. Any exceptions to uniform will be upon direction of the section supervisor or division commander.
3. Agency personnel travelling out of state on extraditions will be attired in business clothes (tie and jacket, or equivalent clothing for women) when accompanying prisoners.

#### F. Booking Procedures

1. Agency personnel will remove the prisoner from their patrol unit and walk them to the booking area of the detention facility.
2. Upon arrival at the detention facility agency personnel will secure their firearms in the authorized lock boxes or within the trunk of their vehicle. The key to the lock box or the trunk of the vehicle will be placed in a location to prevent access by the prisoner. The prisoner will then be removed from the vehicle and released to the custody of the correction officers.
3. If the subject is unruly and violent, he/she will be taken directly to a cell and the use of any restraints at that time will comply with regulations set forth by the detention facility.
4. In the event a prisoner presents a security hazard to the court, the respective judge shall be notified prior to arraignment so that other arrangements or additional restraints may be utilized.

#### G. Documentation

1. Any prisoner being transported from a detention facility must be positively identified as the person who is to be moved. This should be done by checking booking records assigned to the prisoner. The prisoner should not be transported, except in case of emergency, until positive identification is confirmed.
2. If a prisoner is being transported to a local court, the paperwork should have already been transferred. If the prisoner is being transported to a court in another jurisdiction, copies of the arrest record, complaint, and related reports must accompany them.
3. If the prisoner is being transported to another facility, copies of their arrest record, court papers and personal property should accompany them.
4. Transfer documentation must include information that specifically alerts receiving deputies to potential security problems. This information may include the prisoner's suicide or escape potential and unusual illnesses. Personnel must get the signature of the receiving officer when releasing a prisoner from their custody.

## H. Escape of Prisoner In Transport

1. Should a prisoner escape during transport, the transporting personnel shall:
  - a) Immediately notify dispatch of the escape and request assistance in the search and apprehension of the escapee.
  - b) Notify the appropriate law enforcement agencies for assistance if the escape takes place outside the County of Valencia, agency personnel shall cooperate with local authorities in completing any necessary reports.
  - c) Notify an immediate supervisor as soon as practical.
2. Transporting personnel shall submit a complete report on the escape as soon as practical.
3. If the prisoner is recaptured within a reasonable time period, the prisoner may additionally be charged with any applicable crimes. If the prisoner is recaptured outside a reasonable time period, they are still considered under arrest on the original charge. Any additional charges may be sought through the issuance of a warrant.
4. If the prisoner is not recaptured, agency personnel shall prepare the necessary paperwork to obtain a warrant.

## I. Handling a Disturbed or Violent Prisoner

Although few of the mentally ill are dangerous or violent, there are situations involving those who are. Handling a violent person for transportation or extradition is difficult and sometimes dangerous work. The more informed personnel are about this area, the less at risk they will be. Specialized specific training may be obtained by personnel assigned to prisoner transports through the chain of command.

## J. Prisoner Care

1. If a prisoner needs medical attention while being transported by agency personnel, they will be taken to the nearest medical facility that is available to the transporting deputies.
2. If a prisoner being transported is known or suspect of having a communicable disease, such as AIDs or hepatitis, transporting deputies will take precautions to ensure that they do not come into contact with any open sore/wounds or any body fluids without wearing the proper personal protection, i.e. gloves mask.
3. If temporary treatment of the medical problem can be accomplished in a timely manner, agency personnel will stay with the prisoner and then continue on with the transport to the original destination without delay.

4. If the treatment of a prisoner becomes of such nature as to cause his/her admission into a medical facility, personnel shall immediately call his/her supervisor(s) so that proper arrangements can be made as to the guarding of the prisoner, as well as ensure that proper medical attention is received.
5. If it should become necessary to make arrangement for medical or housing expenses to be taken care of while transporting a prisoner, any bills incurred should be addressed as follows:

Valencia County Sheriff's Office  
Attn: Court Services  
PO Box 1585  
Los Lunas, NM 87031

#### K. Prisoner Searches

1. The in-custody search is employed at the time of arrest, when assuming custody from other agency personnel, or upon acceptance of a prisoner from a jail or prior to the removal from a cell block or a detention facility.
2. Agency personnel are required to personally search each prisoner upon each occasion of assuming custody of the person. Searches of prisoners and their property are for the purpose of identifying and removing any contraband. This includes illegal or controlled substances and weapons or other items which may cause or result in bodily injury to the transporting deputies, the prisoner, or other prisoners. Articles which may be hazardous or may aid in the escape or attempted escape of a prisoner will also be confiscated.
3. Prisoner searches require a professional, systematic and consistent approach. Agency personnel should have a professional attitude toward the search and the prisoner. This should be exhibited by a polite but firm demeanor. Prisoners should not be physically forced as long as they comply with commands. The search should be systematic and methodical. Agency personnel also need to strive for consistency in searches as experienced prisoners may distract their efforts and the repetitive nature of the work may dull search methods.
4. In-custody searches of female prisoners should be made by female personnel and of male prisoners by male personnel. Only in emergency circumstances will an in-custody search by sworn personnel of the opposite sex be allowed and then the search will be done with the utmost discretion. Agency personnel must be mindful of the potential consequences such action could bring upon the agency. Hand-held metal detectors should be used if available.

#### L. The Strip or Body Search

1. Agency personnel that have reason to believe a strip search must be conducted must have probable cause. A search warrant will be obtained prior to any strip search done by the Sheriff's office.
2. Detention facilities routinely conduct strip searches as part of admission procedures. Agency personnel will not be present nor participate in these searches. If there is information that does not amount to probable cause personnel may inform the detention facility of that information. Personnel will not solicit the detention facility to conduct a strip search to bypass the agency requirements for a search warrant.
3. Agency personnel may have reason to believe that a prisoner has swallowed or has hidden contraband inside their body. If there is probable cause a search warrant will be obtained. Once a warrant is obtained personnel should utilize an x-ray machine at a medical facility. If there is no probable cause for a search warrant, personnel will notify the detention facility of the information. Agency personnel will not solicit the detention facility to conducting a search for the contraband.